

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

1. *Indigofera*

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CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

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GENERAL LAND OFFICE OF THE  
STATE OF TEXAS,  
PLAINTIFF,

V.

UNITED STATES DEPARTMENT OF THE INTERIOR; RYAN ZINKE, IN HIS OFFICIAL CAPACITY AS SECRETARY FOR THE UNITED STATES OF THE INTERIOR; UNITED STATES FISH AND WILDLIFE SERVICE; GREG SHEEHAN, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR OF THE U.S. FISH AND WILDLIFE SERVICE; AND AMY LUEDERS, IN HER OFFICIAL CAPACITY AS SOUTHWEST REGIONAL DIRECTOR U.S. FISH AND WILDLIFE SERVICE, DEFENDANTS.

CAUSE NO. 1:17-CV-538-LY

## FINAL JUDGMENT

Before the court is the above-styled and numbered cause. On November 30, 2017, the court dismissed two of Plaintiff General Land Office of the State of Texas's ("Texas") three claims (Doc. #47) by granting a motion to dismiss. The parties briefed summary judgment on the third claim, challenging the 90-day finding, and on February 6, 2018, the court granted summary judgment in favor of Defendants (Doc. #78). Texas appealed the court's orders on summary judgment and the motion to dismiss to the Fifth Circuit.

On January 15, 2020, the Fifth Circuit affirmed in part and reversed in part the district court’s decisions. *General Land Office v. U.S. Dep’t of Interior*, 947 F.3d 309 (5th Cir. 2020). The circuit affirmed the ruling on the two claims dismissed by the district court’s November 30,

2017 Order but reversed as to Texas's challenge to the 90-day finding, ruling that the U.S. Fish and Wildlife Service (the "Service") had not applied the correct standard for evaluating the petition. The circuit vacated the 90-day finding and remanded to the Service for further proceedings without specifying a date certain.

On March 20, 2020, Texas filed a motion for attorneys' fees (Doc. #85). On September 18, 2020, the parties filed a Joint Stipulation and [Proposed] Order to Resolve Plaintiff's Claim for Attorney's Fees and Costs (Doc. #90) which stipulated, *inter alia*, that Texas would file a Notice of Satisfaction within 10 days of receipt of a payment of \$250,000.00 from the Service. Texas filed a Notice of Satisfaction on December 14, 2020 (Doc. #93) that affirmed that "payment in the amount of \$250,000.00 was received from the Service on December 10, 2020." All appeals have been exhausted and fees have been paid. Though Texas has not yet received results from the remand to the Service, neither the circuit nor this court ordered the Service to complete the remand by a date certain. As nothing remains to resolve, the court renders the following Final Judgment pursuant to Federal Rule of Civil Procedure 58.

**IT IS ORDERED** that the case is hereby **CLOSED**.

SIGNED this 26th day of January, 2021.

  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE